

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA

Plaintiff,

v.

BIVIANO REYES-PONCE, ARMANDO  
BERNAL-JIMINEZ, RAMON MALTAZAR  
MAGALLAN, ROBERTO MEDINA-LOZA

Defendants.

Case No. CR 05-5070 RBL


ORDER DENYING DEFENDANT'S  
MOTION TO SEVER

This matter is before the court on Defendant BIVIANO REYES-PONCE's Motion to Sever [Dkt. # 103]. Defendant argues that *Bruton* prohibits the introduction of incriminating statements of non-testifying co-defendants. The government proposes to remove any potential prejudice by redacting the statements at issue (which are contained in a memorandum prepared by an agent, and are not necessarily verbatim quotes). The redaction propped by the government with respect to each defendant is clean, does not indicate that any reaction has been made, and so redacted, none of the statements at issue directly implicates any other defendant. The court concludes that the redactions satisfy the requirements of *Bruton*. *See also United States v. Peterson* 140 F.3d 819 (9<sup>th</sup> Cir. 1998).

Additionally, if the defendants so choose, the court will give a limiting instruction on the use of each defendants' statement as evidence against that defendant only.

1 The Motion to Sever [Dkt. # 103] is DENIED.

2 DATED this 25<sup>th</sup> day of May, 2005.

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6 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
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